



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

March 4, 2009

1. Bill Number and Sponsor:

House Bill (HB) 4459
Representative Fred Miller

2. Purpose:

This bill would amend the Medical Waste Regulatory Act (MWRA), Part 138 of the Public Health Code, 1978 PA 368, as amended. A stakeholder work group has worked for several years on developing amendments to the MWRA, and this bill contains the majority of the stakeholder work group's recommended amendments. These amendments update the MWRA to reflect how the MWRA is currently administered, to accurately assign and specify Department of Environmental Quality (DEQ) responsibilities that changed with former Governor John Engler's executive transfer orders, and to make changes to the MWRA that acknowledge and accommodate technological changes that have developed and occurred in the generation, management, and treatment of medical waste.

3. How This Legislation Impacts Current Programs in the Department:

HB 4459 is tie-barred to HB 4458 and will assign additional duties to the DEQ, Waste and Hazardous Materials Division, Medical Waste Regulatory Program.

4. Introduced at Agency Request:

Yes, but not in the form that has been introduced.

5. Agency Support:

Yes, but with minor technical changes noted in Item 7, below, and removal of the tie-bar to HB 4458.

6. Justification for the Department's Position:

HB 4459 does provide for the majority of the proposed amendments offered by the DEQ and stakeholder work group with minor changes and additions noted, as follows:

- The use of the term "residence" as being exempted from the definition of a producing facility should be changed back to "household" as it currently is

in the MWRA. "Residence" is not defined in HB 4459, but the definition for "household" remains. This is confusing and could be misleading. The DEQ supports the continued use of the term "household," subject to a slight modification of its definition by adding after "multiple dwelling," "where the production of medical waste may occur due to medical care and the treatment of dwelling occupants or visitors."

- Remove "trauma scene waste or" from the definition of "pathological waste." Including it in the definition of "pathological waste" creates confusion and inaccurately describes pathological waste. The term "trauma scene waste" is defined separately and is included in the definition of medical waste.
- Use of the term "clinical" when referencing a laboratory creates confusion for registration of laboratories. "Laboratory" has been previously defined and includes research, analytical, and clinical laboratories. Therefore, specifying a "clinical laboratory" is actually a subset of the term "laboratory."

Amending HB 4459 to include the items noted above and to include the stakeholder work group recommendations will provide for an effective and efficient regulation of medical waste in Michigan. The stakeholder work group recommendations take the trauma scene waste industry issues and problems into consideration. The DEQ proposal offers effective regulation of this industry.

HB 4459 and HB 4458 as proposed and tie-barred create and assign unnecessary duties and responsibilities to the Department of Energy, Labor, and Economic Growth (DELEG) that are not believed to effectively improve the regulation and control of medical waste. Effective regulation of the trauma scene waste industry can be accomplished under HB 4459 by including "trauma scene waste management practitioners" as a regulated entity along with all other medical waste producing facilities.

7. State Revenue/Budgetary Implications:

None.

8. Implications to Local Units of Government:

HB 4459 will clarify that body art facilities are medical waste producers and must register as such under the MWRA. Body art facilities are required by 2007 PA 149 (Act 149) to be licensed by the Department of Community Health and require body art facilities to comply with the MWRA. Under Act 149, local health departments are assigned the responsibility of inspecting body art facilities and making sure they are in compliance with Act 149. Local health departments may also be responsible for making sure body art facilities are in compliance with the MWRA

and may conduct inspections to determine compliance with the MWRA in conjunction with compliance inspections for Act 149.

9. Administrative Rules Implications:

Administrative rules are required to be developed by the DEQ for the evaluation of medical waste treatment technologies that will establish minimum levels of decontamination that are to be attained by the technology.

10. Other Pertinent Information:

HB 4459 is tie-barred to HB 4458. HB 4458 is not supported by the DEQ due to the definitions, registration requirements, and waste management requirements proposed for the trauma scene waste management industry. HB 4459 includes specific definitions and regulations of the trauma scene waste industry that would adequately regulate business entities within the industry as medical waste producing facilities. HB 4458 would transfer any existing administrative and regulatory responsibilities pertaining to the trauma scene waste industry from the DEQ to the DELEG. HB 4458 adds additional requirements and regulatory burdens for the DELEG, such as conducting criminal background checks, verifying appropriate insurance liability, etc., that the DEQ does not believe are necessary to regulate the industry and protect public health, safety, and the environment. The tie-bar should be removed.



Steven E. Chester, Director
Department of Environmental Quality

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Changes to the Proposed Amendments to
Part 138, Medical Waste Regulatory Act,
of the Public Health Code, 1978 PA 368, as Amended

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Page 3, line 4: After "multiple dwelling," insert "where the production of medical waste may occur due to medical care and the treatment of dwelling occupants or visitors"

Page 4, line 11: Delete the words "trauma scene waste or"

Page 5, line 8: Replace "residence" with "household"

Page 14, line 5: Delete the word "clinical"

Page 26, lines 11 through 13: Delete the tie-bar to House Bill 4458